

November 10, 2009

GLORIA L. FRANKLIN, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

Signed: November 09, 2009

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RANDALL J. NEWSOME  
U.S. Bankruptcy Judge

Attorneys for WELLS FARGO BANK, NATIONAL ASSOCIATION, AS TRUSTEE FOR  
THE CERTIFICATEHOLDERS OF STRUCTURED ASSET MORTGAGE  
INVESTMENTS II INC., GREENPOINT MORTGAGE FUNDING TRUST  
2005-AR4, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-  
AR4

## UNITED STATES BANKRUPTCY COURT

## NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

In re

DARBY RONALD BURNES AND JULIE  
LYNN SASSER,

Case No. 09-45837

Chapter 7

R.S. No. JBA-637

ORDER GRANTING MOTION FOR  
RELIEF FROM AUTOMATIC STAY

DATE: October 23, 2009

TIME: 10:00 AM

CTRM: 215

Northern District of California - Oakland  
Division

United States Bankruptcy Court  
1300 Clay Street  
Oakland, CA 94612

Debtor(s).

The above-captioned matter came on for hearing on October 23, 2009, at 10:00 AM, in  
Courtroom 215, upon the Motion of Wells Fargo Bank, National Association, as Trustee for the  
Certificateholders of Structured Asset Mortgage Investments II Inc., GreenPoint Mortgage  
Funding Trust 2005-AR4, Mortgage Pass-Through Certificates, Series 2005-AR4 ("Movant"),  
for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of  
Darby Ronald Burnes and Julie Lynn Sasser ("Debtors") commonly known as 4117 Rockford

1 Drive, Antioch, California 94509 (the "Real Property"), which is legally described as follows:

2 LOT 542, AS SHOWN ON THE MAP OF SUBDIVISION 6164,  
3 FILED NOVEMBER 2, 1984, IN MAP BOOK 284, PAGE 43,  
4 CONTRA COSTA COUNTY RECORDS.

5 EXCEPTING THEREFROM:

6 ALL OIL, GAS AND MINERALS TYING 500 FEET BELOW  
7 THE SURFACE THEREOF, BUT WITHOUT RIGHT OF  
8 SURFACE ENTRY, AS RESERVED IN THE DEED FROM  
9 KATHLEEN MAUSSER, RECORDED MAY 4, 1965, BOOK  
10 4860, PAGE 672, OFFICIAL RECORDS, AND AS MODIFIED  
11 BY INSTRUMENT RECORDED JULY 23, 1971, BOOK 6348,  
12 PAGE 157, OFFICIAL RECORDS.

13 Appearances as noted on the record.

14 Based on the arguments of counsel, and good cause appearing therefor,

15 IT IS HEREBY ORDERED:

16 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the  
17 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

18 2. Movant is authorized to foreclose its security interest in the Real Property under  
19 the terms of the Note and Deed of Trust, and pursuant to applicable state law;

20 3. The 10-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

21 4. Post-petition attorney's fees and costs for the within motion may be added to the  
22 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

23 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant  
24 may proceed in State Court for unlawful detainer pursuant to applicable state law;

25 6. Movant may offer and provide Debtors with information re: a potential  
26 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss  
27 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may  
28 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal  
liability is discharged in this bankruptcy case; and

7. This Order shall be binding and effective despite any conversion of this  
bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

\*\* END OF ORDER \*\*

**COURT SERVICE LIST**

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